

Notice of Allowability

Application No.

09/996,907

Examiner

Jonathan Ouellette

Applicant(s)

ANDINO ET AL.

Art Unit

3629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 3/27/2007.
2. ☒ The allowed claim(s) is/are 21-23, 27-34 and 93.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

DETAILED ACTION

Response to Amendment

1. Claims 1-20, 24-26, and 35-92 have been cancelled; therefore, Claims 21-23, 27-34, and 93 are now pending in application 09/996,907.

Allowable Subject Matter

2. **Claims 21-23, 27-34, and 93 are allowed.**

3. The following is an examiner's statement of reasons for allowance:

4. As per **independent Claims 21, 27, and 93**, the prior art does not teach or suggest tracking the performance of said competition finalists *and one or more non-selected candidates; and determining an actual success indicator for each of said competition finalists and said non-selected candidates.*

5. **Corrie et al. (US 2002/0120538 A1)** discloses a system for evaluating and selecting competition winners from a pool of candidates in a competition comprising: a database for storing candidate documents (Para 0145, applications received and saved in grants management system); a grouping subsystem coupled to said database for grouping said candidate documents into candidate data sets (grouped by grant initiative); a qualification subsystem coupled to said database for determining said candidate data sets to be qualified or disqualified; a pool reduction subsystem coupled to said database for determining whether said candidate data sets having been qualified meet a discretionary eligibility standard (Para 0146-0148, review for application completeness and basic criteria and compliance); an evaluation subsystem coupled to said

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qualification subsystem and said database for evaluating each of said candidate data sets having met said discretionary eligibility standard and scoring one or more evaluation variables in response to said evaluation (Para 0152, application reviewed); and a selection subsystem coupled to said evaluation subsystem and database for selecting one or more competition finalists responsive to said evaluation and scoring of said candidate data sets having met said discretionary eligibility standard (Para 0152-0154, system grants manager aggregates scores, ranks candidates, and selects winners).

6. Corrie fails to expressly disclose wherein said discretionary eligibility standard varies as a function of the number of said candidate data sets having been qualified.

7. However, Corrie does disclose the initial review of applications for basic criteria and compliance (Para 0148), and wherein the basic criteria are provided by each granting agency (Para 0148).

8. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included wherein said discretionary eligibility standard varies as a function of the number of said candidate data sets having been qualified as part of the basic criteria provided by Corrie's granting agency, in order to increase the efficiency of the candidate selection system by allowing the granting agency and grants management system to control the size of the selection pool.

9. However, Corrie fails to teach or disclose tracking the performance of said competition finalists and one or more non-selected candidates; and determining an actual success indicator for each of said competition finalists and said non-selected candidates.

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10. The remaining **dependent Claims 22, 23, and 28-34** are considered allowable, as they are dependent and based off of an allowable independent claim.
11. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jonathan Ouellette whose telephone number is (571) 272-6807. The examiner can normally be reached on Monday through Thursday, 8am - 5:00pm.
13. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (571) 272-6812. The fax phone numbers for the organization where this application or proceeding is assigned (571) 273-8300 for all official communications.
14. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Office of Initial Patent Examination whose telephone number is (703) 308-1202.

April 12, 2007

JONATHAN OUELLETTE
PRIMARY EXAMINER
TECHNOLOGY CENTER 3600

